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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,110

Applicant(s)

BANDHOLE ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Amendment

Applicant has amended claims 1 and 5.

Claims 1-24 are pending.

Response to Arguments

1. Applicant's arguments, see Remarks filed 2/25/2005 with respect to the rejections of claims 1 and 12 under 35 USC 102(e) and 35 USC 103(a), respectively, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of *McConica et al* (USPN 6,741,271), *Ansberry et al* (USPN 5,887,170) and *Moayyad et al* (USPN 6,690,400).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-11, 13, 14 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by *McConica et al* (USPN 6,741,271).

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a. **Per claim 1, *McConica et al*** teach a method for collaborative computing in a system the method comprising:

- allocating resources of a dynamic computing environment through a first user interface, wherein the dynamic computing environment comprises at least one resource (col.2 lines 63-67 and col.9 lines 34-41; provision for a network of dynamically connectable and configurable image appliances);
- sharing the at least one resource between the first user interface and the second user interface (col.2 line 63-col.3 line 17 and col.5 lines 1-47; provision for sharing operations, images, data, command and control between the linked imaging appliances);
- executing an application on the at least one allocated resource using either the first user interface or the second user interface (col.3 lines 46-67);
- transferring information generated by execution of the application to the first user interface (col.3 line 46-col.4 line 67, col.5 lines 1-47, col.6 lines 26-65 and col.8 lines 48-62; attribute information, data, control and status information are generated on the first image appliance are transferred to other linked family image appliances); and
- transferring the information generated by execution of the application to the second user interface in response to a command to collaborate with the second user interface (col.5 line 1-col.6 line 34 and col.8 line 48-col.9 line 33; transferring data to create or expand a family of linked image appliances by collaboration with other image appliances).

b. **Claims 5 and 18** contain limitations that are substantially similar to claim 1 and are therefore rejected under the same basis.

c. **Per claim 2, *McConica et al*** teach the method of claim 1, further comprising modifying the information in the first user interface by interacting with the at least one shared resource through the first user interface (col.3 line 47-col.4 line 24, col.5 line 15-col.6 line 65 and col.7 lines 35-67).

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d. **Claim 9** is substantially similar to claim 2 and is therefore rejected under the same basis.

e. **Per claim 3**, *McConica et al* teach the method of claim 1, further comprising modifying the information in the second user interface by interacting with the at least one shared resource through the second user interface (col.3 line 47-col.4 line 24, col.5 line 15-col.6 line 65 and col.7 lines 35-67).

f. **Claim 10** is substantially similar to claim 3 and is therefore rejected under the same basis.

g. **Per claim 4**, *McConica et al* teach the method of claim 1, further comprising switching control to modify the information between the first and second user interface (col.2 line 63-col.3 line 17, col.4 lines 25-47, col.5 lines 15-44 and col.8 lines 48-62; control is shared among the linked family image appliances and designation of a master imaging appliance in the family of linked appliances).

h. **Claims 8 and 11** are substantially similar to claim 4 and are therefore rejected under the same basis.

i. **Per claim 6**, *McConica et al* teach the method of claim 5, further comprising controlling the resource computer with the first user computer (col.5 lines 15-44).

j. **Per claim 7**, *McConica et al* teach the method of claim 5, further comprising controlling the resource computer with the second user computer (col.5 lines 15-44).

k. **Per claim 13**, *McConica et al* teach the method of claim 5, wherein the shared software process is a user interface controller (col.4 lines 25-38 and col.5 lines 1-47).

l. **Claim 14** is substantially similar to claim 13 and is therefore rejected under the same basis.

m. **Per claim 19**, *McConica et al* teach the system of claim 18, wherein the dynamic computing environment is remotely located from the second and third location (col.3 lines 6-57).

n. **Claim 20** is substantially similar to claim 19 and is therefore rejected under the same basis.

o. **Claim 21** is substantially similar to claims 4 and 13 and is therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **15-17, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over *McConica et al* (USPN 6,741,271) in view of *Ansberry et al* (USPN 5,887,170).

a. **Per claim 16**, *McConica et al* teach the method of claim 5 as applied above, yet fail to explicitly teach the method wherein the system is used in technical support. However, *Ansberry et al* disclose the usability of the system extended to collaborative and non-collaborative distributed computing environments where a conferencing session may be

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manipulated, thus the examples demonstrate technical support and teamwork situations which may also be implemented in training or usability studies (col.7 line 66-c01.8 line 31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *McConica et al* and *Ansberry et al* for the purpose of implementing the system in training, technical support or usability studies environments since these the collaborative and cooperative nature of system would be ideal in such environments linking together users and devices across a network.

b. **Claims 15, 17, 23 and 24** are substantially similar to claim 16 and are therefore rejected under the same basis.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over *McConica et al* (USPN 6,741,271) in view of *Moayyad et al* (USPN 6,690,400).

Per claim 12, *McConica et al* teach the method of claim 5 as applied above, yet fail to explicitly teach the method wherein the shared software process is an operating system. However, *Moayyad et al* disclose the sharing of operating systems (col.2 lines 40-52 and col.5 lines 9-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *McConica et al* and *Moayyad et al* for the purpose of provisioning the sharing of operating systems as an accessible allocated resource by a user; because it provides users the freedom to access and experience different operating systems without having to only use software-specific to only one operating system, the user would in turn be able to run various types of software programs upon accessing the appropriate shared

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operating system. Also beneficial to the user is the ability to have more than one operating system on a computer without having to maintain or purchase multiple computers.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Novaes et al* (USPN 6,807,557), *Clarisse et al* (USPN 6,591,290), *Schuster et al* (USPN 6,741,586), *Zakewski et al* (USPN 6,647,508) and *Glassen et al* (USPN 6,339,803).


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER